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May 16, 2008

**TELEFAX: (212) 805-7930**

Honorable James C. Francis  
 United States Magistrate Judge  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007

**JOINT APPLICATION**

Re: Indemnity Insurance Company of North America  
 v. Burlington Northern and Santa Fe, et al.  
 07 Civ. 7858 (JCF)  
 Our File: 7G-1459

Dear Judge Francis:

I represent the plaintiff in this action which involves a cargo damage claim arising from a derailment. The case has been referred to Your Honor for all purposes.

For reasons not anticipated at the initial status conference, it does not appear that it will be possible to complete discovery within the present deadline. There has been some exchange of documents and some dialogue concerning possible settlement. However, additional time is needed to complete the disclosure and discovery process. Counsel join in respectfully requesting that the deadlines be adjusted as follows:

Completion of Discovery: July 18, 2008

Submission of Joint Pretrial Order (or dispositive motions): August 18, 2008.

For the Court's reference a copy of the February 22, 2008 scheduling order is annexed. This is the first request for an adjournment of the scheduling order deadlines. The Court's attention is appreciated.

encl.

Respectfully,

David L. Mazaroli

5/19/08

Application  
granted.

SO ORDERED.

James C. Francis IV  
USM